

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Erik J. Shahoian et.al
Application No. : 10/689,130
For : **System and Method for Providing Rotational Haptic
Feedback**
Filed : October 20, 2003
Examiner : Steven E. Holton
Art Unit : 2629
Confirmation No. : 3894

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
DETERMINATION

Sir:

In accordance with 37 C.F.R § 1.705(b), this request for reconsideration of Patent Term Adjustment Determination is made with payment of the Issue Fee, after the mailing of a Notice of Allowance. Applicant submits herewith the following:

- (1) Payment of the fee set forth in 37 C.F.R. § 1.18(e); and
- (2) A statement of the facts involved.

In the Notice of Allowance mailed September 12, 2011 (the "Notice of Allowance"), the Determination of Patent Term Adjustment (PTA) under 35 U.S.C. § 154(b) indicated a PTA of 1,611 days of A delay. It is believed that the correct PTA is 541 days of A delay.

Applicant respectfully requests that the patent term adjustment indicated in the Notice of Allowance be reconsidered because the calculation of A delay incorrectly attributed 2 periods of A delay to the Office:

First, the Office calculated 1,031 days of PTO delay beginning with the filing of an Appeal Brief on October 17, 2007 and ending on the mailing of a Decision on Appeal on December 14, 2010. However, the decision on appeal affirmed the Examiner's rejection of all claims. Thus, no days of Office delay accrued under 37 C.F.R. § 1.703(e).

Second, the Office calculated 39 days of PTO delay to the mailing of a non-final Office Action on May 23, 2011 following the mailing of the decision on appeal. However, because the decision on appeal affirmed the rejection of all claims, Applicants submitted an RCE and amendment following the decision on appeal on February 11, 2011. The mailing of the Office Action on May 23, 2011 was less than four months from the filing of the amendment and RCE and thus no PTO delay accrued under 37 C.F.R. § 1.703(a).

In support of this request and pursuant to 37 C.F.R. § 1.705(b), Applicant makes the following statements:

Statements under 37 C.F.R. § 1.705(b)(2)(i)

The correct total PTO delay is believed to be 541 days and the correct total Applicant delay is believed to be 0 days. Thus, the correct total PTA is believed to be 541 days.

Statements under 37 C.F.R. § 1.705(b)(2)(ii)

The following dates are relevant to the time periods noted in section I above:

(1) 541 days of PTO delay are due under § 1.702(a)(1) for failing to issue an Office Action or a Notice of Allowance within 14 months of the filing date of the application. The relevant dates are the date 14 months after the filing date of the application on October 20, 2003 and the mailing of the first Office Action on June 14, 2006.

The total PTA credits under 37 C.F.R. § 1.702(a) and § 1.702(b) based on the credits and overlap noted above is 541 days.

Statements under 37 C.F.R. § 1.705(b)(2)(iii)

This patent issuing from the present application is not subject to any terminal disclaimers.

Statements under 37 C.F.R. § 1.705(b)(2)(iv)

The following statements are required by 37 CFR § 1.705(b)(2)(iv)(A) and list any circumstances during the prosecution of this application constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified patent application as set forth in § 1.704. Upon a review of the prosecution history, Applicant does not believe Applicant failed to engage in reasonable efforts to conclude processing or examination of the above-identified patent application as set forth in § 1.704 and thus, 0 days of Applicant delay are owed.

Conclusion

Applicant respectfully requests the PTA determined by the U.S. Patent and Trademark Office by reconsidered in light of the foregoing. Based on the total PTA credits and debits set forth above, the correct PTA for the present application is 541 days.

Date: December 9, 2011

Respectfully submitted,



Carl Sanders
Reg. No. 57,203

KILPATRICK TOWNSEND & STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101
(336) 607-7474 (voice)
(336) 734-2629 (fax)